

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 173 be amended to read as follows:

- 1 Page 10, between lines 38 and 39, begin a new paragraph and insert:
2 "SECTION 5. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,
3 SECTION 560, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) This section applies
5 only in a county containing a consolidated city. If the requirements of
6 subsection ~~(g)~~ **(k)** are satisfied, the ~~fire departments of the following~~
7 ~~are consolidated into the fire department of a consolidated city~~
8 ~~(referred to as "the consolidated fire department")~~ **following occur on**
9 **July 1 of the calendar year following the adoption of an ordinance**
10 **under subsection (k) approving the consolidation:**
11 **(1) The fire departments of the following are consolidated into**
12 **the fire department of the consolidated city (referred to as**
13 **"the consolidated fire department"):**
14 **(A) The fire department of a township for which the**
15 **consolidation is approved by the township legislative body and**
16 **trustee and the legislative body and mayor of the located in a**
17 **county containing the consolidated city.**
18 ~~(2)~~ **(B) The fire department of any fire protection territory**
19 **established under IC 36-8-19 that is located in a township**
20 **described in subdivision ~~(1)~~ clause (A).**
21 **(2) The functions, duties, and responsibilities of the township**
22 **trustee and township board with respect to providing fire**
23 **protection and related services are transferred to the**
24 **consolidated city.**

(b) If the requirements of subsection ~~(g)~~ **(k)** are satisfied, **after June 30 of the calendar year following the calendar year in which an ordinance is adopted under subsection (k) approving the consolidation**, the consolidated fire department shall provide fire protection services within an entity described in subsection ~~(a)(1)~~ or ~~(a)(2)~~ in which the requirements of subsection ~~(g)~~ are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: **the county (excluding any excluded city).**

(c) If the requirements of subsection ~~(g)~~ **(k)** are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, **except as otherwise provided**, all of the property, equipment, records, rights, and contracts of ~~the each~~ department consolidated into the fire department of the consolidated city are ~~(1)~~ transferred to or ~~(2)~~ assumed by the consolidated city on the effective date of the consolidation. ~~However,~~ **real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located. The balance in the township's cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 shall be used by the township to pay any outstanding indebtedness of the township described in subsection (e).**

(d) If the requirements of subsection ~~(g)~~ **(k)** are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, the employees of ~~the a~~ fire department **listed in subsection (a) that is** consolidated into the fire department of the consolidated city cease employment with the department ~~of the entity~~ listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) If the requirements of subsection ~~(g)~~ **(k)** are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, the indebtedness related to fire protection services incurred before the effective date of the consolidation by ~~the an~~ entity **whose fire department is consolidated into the consolidated fire department under subsection (a)** or by a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not

become and may not be assumed, **defeased, paid, or refunded** by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

(f) The rights of trustees and bondholders with respect to any:

(1) bonds or other indebtedness described in subsection (e); or

(2) bond resolution, trust agreement or indenture, security

agreement, purchase agreement, or other undertaking with

respect to indebtedness described in subsection (e);

remain the same, notwithstanding any consolidation of fire departments under this section.

~~(f)~~ **(g)** If the requirements of subsection ~~(g)~~ **(k)** are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, the merit board and the merit system of ~~the each~~ fire department that is consolidated **into the fire department of the consolidated city** are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

~~(g)~~ **(g)** A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) The following apply if the requirements of subsection ~~(g)~~ **(k)** are satisfied:

(1) The consolidation of the fire department of that township is

effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation:

(2) (1) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) (2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) (3) For property taxes first due and payable in the **first calendar year in which property taxes are first due and payable based on** the consolidation, ~~is effective~~, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) is reduced for the township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

(5) (4) The ~~amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for balance in the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby~~

established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services, **of a township whose fire department is consolidated into the fire department of the consolidated city shall be used as provided in subsection (c).**

~~(6)~~ **(5)** The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township **an entity whose fire department is consolidated into the fire department of the consolidated city** are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7)~~ **(6)** The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit area served by the consolidated fire department to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within **or that directly benefit** the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad

valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

(i) For a township that consolidated its fire department into the fire department of the consolidated city before July 1, 2009, this section applies to the consolidation to the extent this section does not conflict with:

(1) the consolidation ordinances adopted by the consolidated city and the township; or

(2) any consolidation agreement between the consolidated city and the township.

(j) Before January 1, 2010, the consolidated fire department shall develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. The consolidated fire department shall determine the resource requirements and resource deployments based on the risk assessment models promulgated by the Center for Public Safety Excellence, Inc., or a successor entity. The consolidated fire department must, for each year before 2020:

(1) update the strategic plan at least once every three (3) years; and

(2) annually report to the legislative body of the consolidated city concerning the implementation of the strategic plan.

(k) The legislative body of the consolidated city shall, not later than December 31, 2009, adopt an ordinance approving the consolidation of fire services as provided in this section. After an ordinance approving the consolidation of fire services as provided in this section is adopted, the consolidation of fire services may not be reversed or rescinded. An ordinance approving the consolidation of fire services as provided in this section does not apply to an excluded city.

SECTION 6. IC 36-3-1-6.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.6. (a) It is the policy of the consolidated fire department of the consolidated city and the consolidated law enforcement department of the consolidated city that fire**

1 protection services and law enforcement services are best
 2 performed by a workforce that represents the community served
 3 by those departments.

4 (b) The executive of the consolidated city shall, before January
 5 1, 2010, institute revised procedures to ensure that the hiring and
 6 promotional practices of the consolidated fire department and the
 7 consolidated law enforcement department of the consolidated city
 8 achieve the policy set forth in subsection (a), as permitted by state
 9 and federal law. These revised procedures are subject to the review
 10 and approval of the legislative body of the consolidated city.

11 SECTION 7. IC 36-6-4-3, AS AMENDED BY P.L.2-2008,
 12 SECTION 82, AND AS AMENDED BY P.L.146-2008, SECTION
 13 709, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE UPON PASSAGE]: Sec. 3. The executive shall do the
 15 following:

- 16 (1) Keep a written record of official proceedings.
- 17 (2) Manage all township property interests.
- 18 (3) Keep township records open for public inspection.
- 19 (4) Attend all meetings of the township legislative body.
- 20 (5) Receive and pay out township funds.
- 21 (6) Examine and settle all accounts and demands chargeable
 22 against the township.
- 23 (7) Administer township assistance under IC 12-20 and
 24 IC 12-30-4.
- 25 (8) Perform the duties of fence viewer under IC 32-26.
- 26 ~~(9) Act as township assessor when required by IC 36-6-5.~~
- 27 ~~(10) (9) Provide and maintain cemeteries under IC 23-14.~~
- 28 ~~(11) (10) Provide fire protection under IC 36-8, except in a~~
 29 township: ~~that:~~
- 30 (A) ~~that~~ is located in a county having a consolidated city; and
- 31 (B) ~~whose fire department is consolidated the township's fire~~
 32 ~~department~~ under IC 36-3-1-6.1.
- 33 ~~(12) (11) File an annual personnel report under IC 5-11-13.~~
- 34 ~~(13) (12) Provide and maintain township parks and community~~
 35 ~~centers under IC 36-10.~~
- 36 ~~(14) (13) Destroy detrimental plants, noxious weeds, and rank~~
 37 ~~vegetation under IC 15-3-4. IC 15-16-8.~~
- 38 ~~(15) (14) Provide insulin to the poor under IC 12-20-16.~~
- 39 ~~(16) (15) Perform other duties prescribed by statute.~~

40 SECTION 4. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The executive may use
 42 the township's share of state, county, and township tax revenues and
 43 federal revenue sharing funds for all categories of community services,
 44 if these funds are appropriated for these services by the township
 45 legislative body. The executive may use these funds for both operating
 46 and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) **Except in a township that is located in a county having a consolidated city and for which the fire department has been consolidated under IC 36-3-1-6.1**, the executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) **Except in a township that is located in a county having a consolidated city and for which the fire department has been consolidated under IC 36-3-1-6.1**, the township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 8. IC 36-8-4-2, AS AMENDED BY P.L.65-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **Except as otherwise provided in this section**, members of the police and fire departments must reside in Indiana within:

- (1) the county in which the city is located; or
- (2) a county that is contiguous to the county in which the city is located.

(b) In a consolidated city, a member who was residing outside the county on January 1, 1975, is exempt from subsection (a).

(c) A member of the fire department of a consolidated city who is hired after June 30, 2010, must reside in the county in which the consolidated city is located. However, an individual who becomes a member of the fire department of a consolidated city through a consolidation of fire departments under IC 36-3-1-6.1:

- (1) is not subject to the residency requirement of this subsection; but**
- (2) is subject to the residency requirement of subsection (a).**

~~(c)~~ **(d)** A city with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the city's police or fire department to comply with the following:

- (1) Reside within the county in which the city is located.
- (2) Have adequate means of transportation into the city.
- (3) Maintain in the member's residence telephone service with the city.

~~(d)~~ **(e)** This subsection applies to a city that:

- (1) has a population of less than seven thousand five hundred (7,500); and
- (2) adopted an ordinance to establish the requirements described in this subsection before September 1, 1984.

A city may require, in addition to the requirements of subsection ~~(c)~~,

(d), that a member of the police or fire department reside within the city until the member has served in the department for five (5) years.

~~(e)~~ (f) An ordinance adopted under subsection ~~(e)~~ (d) or described in subsection ~~(d)~~(2) (e)(2) may not require a member of a city's police or fire department to reside within the county in which the city is located if the member resides outside the county on the date the ordinance is adopted.

SECTION 9. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3),** for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1:

(A) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(B) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d),** if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1, the local board is:

(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(2) on and after the effective date of the consolidation, the local board of the consolidated city established under

1 **IC 36-8-7-3.**

2 SECTION 10. IC 36-8-8-7, AS AMENDED BY P.L.1-2006,
3 SECTION 575, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in
5 subsections (d), (e), (f), (g), (h), (k), (l), and (m):

6 (1) a police officer; or

7 (2) a firefighter;

8 who is less than thirty-six (36) years of age and who passes the baseline
9 statewide physical and mental examinations required under section 19
10 of this chapter shall be a member of the 1977 fund and is not a member
11 of the 1925 fund, the 1937 fund, or the 1953 fund.

12 (b) A police officer or firefighter with service before May 1, 1977,
13 who is hired or rehired after April 30, 1977, may receive credit under
14 this chapter for service as a police officer or firefighter prior to entry
15 into the 1977 fund if the employer who rehires the police officer or
16 firefighter chooses to contribute to the 1977 fund the amount necessary
17 to amortize the police officer's or firefighter's prior service liability over
18 a period of not more than forty (40) years, the amount and the period
19 to be determined by the PERF board. If the employer chooses to make
20 the contributions, the police officer or firefighter is entitled to receive
21 credit for the police officer's or firefighter's prior years of service
22 without making contributions to the 1977 fund for that prior service. In
23 no event may a police officer or firefighter receive credit for prior years
24 of service if the police officer or firefighter is receiving a benefit or is
25 entitled to receive a benefit in the future from any other public pension
26 plan with respect to the prior years of service.

27 (c) Except as provided in section 18 of this chapter, a police officer
28 or firefighter is entitled to credit for all years of service after April 30,
29 1977, with the police or fire department of an employer covered by this
30 chapter.

31 (d) A police officer or firefighter with twenty (20) years of service
32 does not become a member of the 1977 fund and is not covered by this
33 chapter, if the police officer or firefighter:

34 (1) was hired before May 1, 1977;

35 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
36 of which were repealed September 1, 1981); and

37 (3) is rehired after April 30, 1977, by the same employer.

38 (e) A police officer or firefighter does not become a member of the
39 1977 fund and is not covered by this chapter if the police officer or
40 firefighter:

41 (1) was hired before May 1, 1977;

42 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
43 of which were repealed September 1, 1981);

44 (3) was rehired after April 30, 1977, but before February 1, 1979;
45 and

46 (4) was made, before February 1, 1979, a member of a 1925,

1 1937, or 1953 fund.

2 (f) A police officer or firefighter does not become a member of the
3 1977 fund and is not covered by this chapter if the police officer or
4 firefighter:

5 (1) was hired by the police or fire department of a unit before May
6 1, 1977;

7 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both
8 of which were repealed September 1, 1981);

9 (3) is rehired by the police or fire department of another unit after
10 December 31, 1981; and

11 (4) is made, by the fiscal body of the other unit after December
12 31, 1981, a member of a 1925, 1937, or 1953 fund of the other
13 unit.

14 If the police officer or firefighter is made a member of a 1925, 1937, or
15 1953 fund, the police officer or firefighter is entitled to receive credit
16 for all the police officer's or firefighter's years of service, including
17 years before January 1, 1982.

18 (g) As used in this subsection, "emergency medical services" and
19 "emergency medical technician" have the meanings set forth in
20 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

21 (1) is employed by a unit that is participating in the 1977 fund;

22 (2) was employed as an emergency medical technician by a
23 political subdivision wholly or partially within the department's
24 jurisdiction;

25 (3) was a member of the public employees' retirement fund during
26 the employment described in subdivision (2); and

27 (4) ceased employment with the political subdivision and was
28 hired by the unit's fire department due to the reorganization of
29 emergency medical services within the department's jurisdiction;

30 shall participate in the 1977 fund. A firefighter who participates in the
31 1977 fund under this subsection is subject to sections 18 and 21 of this
32 chapter.

33 (h) A police officer or firefighter does not become a member of the
34 1977 fund and is not covered by this chapter if the individual was
35 appointed as:

36 (1) a fire chief under a waiver under IC 36-8-4-6(c); or

37 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

38 unless the executive of the unit requests that the 1977 fund accept the
39 individual in the 1977 fund and the individual previously was a
40 member of the 1977 fund.

41 (i) A police matron hired or rehired after April 30, 1977, and before
42 July 1, 1996, who is a member of a police department in a second or
43 third class city on March 31, 1996, is a member of the 1977 fund.

44 (j) A park ranger who:

45 (1) completed at least the number of weeks of training at the
46 Indiana law enforcement academy or a comparable law

1 enforcement academy in another state that were required at the
 2 time the park ranger attended the Indiana law enforcement
 3 academy or the law enforcement academy in another state;

4 (2) graduated from the Indiana law enforcement academy or a
 5 comparable law enforcement academy in another state; and

6 (3) is employed by the parks department of a city having a
 7 population of more than one hundred twenty thousand (120,000)
 8 but less than one hundred fifty thousand (150,000);

9 is a member of the fund.

10 (k) Notwithstanding any other provision of this chapter, a police
 11 officer or firefighter:

12 (1) who is a member of the 1977 fund before a consolidation
 13 under IC 36-3-1-5.1 or IC 36-3-1-6.1;

14 (2) whose employer is consolidated into the consolidated law
 15 enforcement department or the fire department of a consolidated
 16 city under IC 36-3-1-5.1 or IC 36-3-1-6.1; and

17 (3) who, after the consolidation, becomes an employee of the
 18 consolidated law enforcement department or the consolidated fire
 19 department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

20 is a member of the 1977 fund without meeting the requirements under
 21 sections 19 and 21 of this chapter.

22 (l) Notwithstanding any other provision of this chapter, if:

23 (1) before a consolidation under IC 8-22-3-11.6, a police officer
 24 or firefighter provides law enforcement services or fire protection
 25 services for an entity in a consolidated city;

26 (2) the provision of those services is consolidated into the law
 27 enforcement department or fire department of a consolidated city;
 28 and

29 (3) after the consolidation, the police officer or firefighter
 30 becomes an employee of the consolidated law enforcement
 31 department or the consolidated fire department under
 32 IC 8-22-3-11.6;

33 the police officer or firefighter is a member of the 1977 fund without
 34 meeting the requirements under sections 19 and 21 of this chapter.

35 (m) A police officer or firefighter who is a member of the 1977 fund
 36 under subsection (k) or (l):

37 (1) may not be:

38 ~~(1)~~ (A) retired for purposes of section 10 of this chapter; or

39 ~~(2)~~ (B) disabled for purposes of section 12 of this chapter;
 40 solely because of a change in employer under the consolidation;

41 and

42 (2) shall receive credit for all years of service as a member of
 43 the 1977 fund before the consolidation described in subsection
 44 (k) or (l)."

45 Page 10, after line 41, begin a new paragraph and insert:

46 "SECTION 12. An emergency is declared for this act."

- 1 Renumber all SECTIONS consecutively.
 (Reference is to ESB 173 as printed April 10, 2009.)

Representative DeLaney